

Case 1:20-cv-08668-VM-OTW Plaintiffs' Scheduling Order Responses

Response #1: Summary of Claims, Defenses, and Relevant Issues

All Plaintiffs allege that Defendants Wohl, Burkman, J.M. Burkman & Associates, LLC, and Project 1599 (collectively, “Original Defendants”), conspired to intimidate voters and depress voter turnout in the 2020 presidential election through a robocall campaign. Original Defendants sent robocalls that targeted Black communities and interfered with New York State's efforts to administer its elections. Plaintiff-intervenors New York State (People) have pled additional claims against Defendants Mahanian and Message Communications, who aided Original Defendants in the dissemination of the robocall. The conduct of the Defendants violates the Voting Rights Act of 1965, Section 2 of the Ku Klux Klan Act of 1871, Section 131(b) of the Civil Rights Act of 1957, New York Civil Rights Law § 9, and New York Civil Rights Law § 40-c.

Response #3: Subjects on Which Discovery May Be Needed

Communications by and between the Defendants; Digital content created or posted by the Defendants; Documents or communications concerning financial transactions relevant to the claims brought in this lawsuit; Documents or communications related to the creation of audio and digital content relevant to the claims brought in this lawsuit.

Response #6: Anticipated Discovery Disputes

The original Plaintiffs—National Coalition on Black Civic Participation, Mary Winter, Gene Steinberg, Nancy Hart, Sarah Wolff, Karen Slaven, Kate Kennedy, Eda Daniel, and Andrea Sferes—moved to compel discovery from Defendants Wohl and Burkman on August 11, 2021 (ECF No. 131); that motion is still pending. Defendants Wohl and Burkman are asserting Fifth Amendment privilege over certain topics of discovery. They moved for a stay of discovery on that basis but were denied by Judge Marrero.